UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,

Plaintiff,

Civil No. 2:07cv170

v.

KENYA WHITAKER,

Defendant.

Declaration of Chet Engstrom

Pursuant to 28 U.S.C. § 1746, I, Chet Engstrom, submit this declaration in support of JTH Tax, Inc.'s ("Liberty") claim against Kenya Whitaker ("Whitaker"). I declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of eighteen (18) years and am fully competent to testify to the matter stated in this declaration. This declaration is based upon my personal knowledge.

2. I am an investigator at Convert Investigative Services in Lewisville, Texas.

3. On or about March 20, 2007, I was retained by Liberty to investigate the defendant, Whitaker and the Liberty Tax Service office located at 2661 Midway Road, Suite 213, Carrollton, Texas 75006.

4. On this date, I phoned (972) 248-7300, the phone number reported to me by Liberty as the phone number for the Liberty Tax Service office located at this address.

5. Upon calling, I questioned the person who answered whether Ms. Whitaker still worked at the office. I was told that Ms. Whitaker did indeed still

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work at this office and was in fact the manager and that she was currently "out in the field doing accounting."

6. Shortly thereafter I drove to the location. Upon entering I was greeted by a man named Byron who I was informed by Liberty is the husband of Ms. Whitaker.

7. I questioned Byron as to whether this office was formerly a Liberty Tax Service office. Byron responded that "the office used to be a Liberty Tax Service office but that the owners were no longer affiliated with that company."

8. Byron then assured me that the Liberty Tax Service files were still with the office.

9. I explained to Byron that I had previously had my taxes prepared at the Liberty office located at this location. Byron assured me that they still had my file and while I was talking with him he checked through his computer by inputting my name and searching for my records.

10. Byron then scheduled an appointment for me to have my taxes prepared at this location. He also gave me a business card which contains the Liberty Tax Service logo along with the logo of Easy Financial and Software Solutions. Attached hereto as Exhibit 1 is a true and correct copy of this business card.

11. On or about March 28, 2007, I again called the above referenced office and was again told that the office retained all Liberty Tax Service files.

Executed on this 11 day of April 2007.

Chet Engstrom